

## **ARTICLE II - General Provisions**

### **2.1 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated area of Bureau County and all incorporated towns in Bureau County without municipal zoning controls at the time of adoption of this Ordinance. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

### **2.2 EXEMPTION OF AGRICULTURAL USES**

Nothing contained in these regulations shall impose restrictions or require a permit with respect to land used or to be used for agricultural purposes, except where such agricultural pursuits are in violation of the IEPA performance standards, or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes must conform to building or setback lines. For the purpose of enforcement, any area containing twenty (20) acres or more of agricultural land will be defined as a farm. A parcel of land under twenty (20) acres may still be zoned agriculture. However, if a home is to be built on the property, the property must be Rezoned to Rural Estate, R-1 or R-2 and the parcel must satisfy the Subdivision Act.

#### **2.21 Farmsteads**

- 2.21-1 The sale or lease of any property formerly used or presently used as a farm residence or tenant house shall not be subject to the Maps, Plats and Subdivision Code of Bureau County, provided that a survey of the property being parceled off is done by a registered land surveyor. The parcel must be large enough to support a well and septic system and all Bureau County Agricultural zoning setback requirements must be met (fifty (50) feet from right-of-way and thirty (30) feet from all other property lines).
- 2.21-2 That restoration, rebuilding, renovating, construction, reconstruction, or remodeling, including garages or utility buildings, of farmsteads on existing parcels of real estate where presently or formerly there existed a farmstead dwelling, shall be permitted without the requirement of Rezoning being first secured;

- 2.21-3 That this Ordinance shall apply regardless of whether or not the owner of such real estate, upon which said farmstead exists or did exist, is engaged in agricultural pursuits, or whether or not such use will be agricultural related or devoted;
- 2.21-4 That this Ordinance shall apply only to single family dwellings, and the included uses or garages and utility buildings, and shall not apply to commercial uses, or multi-family dwellings, or apartments, or development of subdivisions on former farmsteads;
- 2.21-5 That construction, renovation, restoration, remodeling, rebuilding, or reconstruction shall be allowed by the owner under this Ordinance, upon first securing a building permit, and compliance with setback lines and County Zoning Regulations in areas of flood plains, water supply, sewer disposal, and performance standards of buildings;
- 2.21-6 That the application for building permit under this Ordinance shall be upon the forms as prescribed by the Zoning Enforcing Officer, and upon the payment of the required fee, if any, and shall be in the first instance made to the Zoning Enforcing Officer;
- 2.21-7 That in the event an application is denied by said Officer, the party may appeal such denial to the Zoning Board of Appeals, and if there again denied may further pursue his appeal as provided by the Administrative Review Act of the State of Illinois.
- 2.21-8 Any plat, deed or lease for the division of land on which is or was situated a structure used as a farm residence or tenant house, prior to the year 1987, shall be lawful and entitled to be recorded if it conforms to the rest of the Plat Act.

## 2.22 Permits

Single family dwellings, garages, and all other non-agricultural related construction on farms require a permit in the Agricultural zoning classification.

## 2.23 Conditional Uses

A mobile home is permitted as a Conditional Use on a farmstead.

## 2.3 USE RESTRICTIONS

### 2.31 Principal Uses - Sunset Clause

Only those uses specified for a district or on a Planned Development plat, their essential services, and the accessory uses shall be permitted in that district.

Any property Rezoned for any category after the enactment of this revised Bureau County Zoning Ordinance, the said Rezoning purpose of which has not been acted on and not exercised within a three (3) year period after the Rezoning, and there is little or no vesting of interests, will revert to an Agricultural or former classification.

Any Bulk or Use Variances or Conditional Use permits granted by the Planning Commission and/or Zoning Board of Appeals and/or Bureau County Board, the said variant or special purpose of which has not been acted on and not exercised within a three (3) year period after the granting of the Variance or Conditional Use, and there is little or no vesting of interests, will become null and void. If no building permit is required, evidence of use shall be filed with the Zoning Enforcement Officer within the same thirty-six (36) month period.

Thirty (30) days written notice will be mailed to the affected landowners notifying them of the expiration date of the three (3) year period since the change in zoning classification, Variation, or Conditional Use permit, and giving them an opportunity to appear before the Zoning Board of Appeals to state their reasons why the County Board should not exercise the Sunset Clause, thereby returning the plot or area to its Agriculture or former classification. An extension may be considered.

Recommendations from the Zoning Board of Appeals will be forwarded to the County Board for action.

### 2.32 Accessory Uses and Structures

Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.

### 2.33 Conditional Uses

Conditional Uses and their accessory uses are permitted in districts as specified but only according to the Conditional Use procedure in Article VIII. Also, any

development within five hundred (500) feet of an existing or proposed rights-of-way of freeways, expressways, interstate and controlled access trafficways and within fifteen hundred (1,500) feet of any existing or proposed interchange or turning lane rights-of-way shall be deemed to be Conditional Uses. Such development shall be specifically reviewed by the County Planning Commission as provided in Article VIII.

#### 2.34 Unclassified or Unspecified Uses

In case of uncertainty where the Zoning Enforcing Officer is unable to determine literally whether a use is permitted as a principal or accessory use, he shall apply to the Zoning Board of Appeals for an interpretation.

#### 2.35 Temporary Uses

Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

#### 2.36 Performance Standards and IEPA Regulations

Performance standards listed in Article VII shall apply to all uses in all districts. All IEPA regulations related to air pollution, water pollution, land pollution, noise pollution, and public water supplies must be met.

#### 2.37 Subdivision of land into parts less than five (5) acres

“The provisions of the Act to revise the law in relation to plats do not apply and no plat is required in any of the following instances:

1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.”

Amended by P.A. 80-318, 1, eff. Oct. 1, 1977.

## 2.4 SITE RESTRICTIONS

### 2.41 Soil Conditions

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the County Planning Commission and upon review by the Bureau County Soil and Water Conservation District by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the County. The County Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the County Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

## 2.42 Anti-Pollution and Erosion Control

2.42-1 The control of air pollutants shall be guided by “The Rules and Regulations Governing the Control of Air Pollutions” published by the State of Illinois Air Pollution Control Board, and as amended from time to time, unless in conflict with local ordinances, in which case the more restrictive control will take precedence.

2.42-2 In areas of critical slope (as determined by the Soil Conservation Service) where a change of land use from agriculture to residential, commercial or industrial uses is proposed, the owner of the said property shall first be referred to the Soil Conservation Service and shall present to the said agency a plan to prevent excessive erosion which shall be approved by the said agency before such change in land use occurs. Such recommendations by the Soil Conservation Service shall be placed on file in the Bureau County Zoning Enforcement Office.

## 2.43 Private Sewer and Water

2.43-1 All buildings that require a sewage and water system shall be served with an approved sewage and water system provided:

- a. If a public or community sewage and water system is available within one hundred (100) feet, the building must be connected to that system.
- b. If no public or community sewage and water system is available, the Bureau County Department of Health or the State of Illinois Department of Health must approve all private wells and private sewage disposal systems. No building permit will be issued until the private sewage disposal system plan is approved by either Health Department.

2.44 All lots shall abut upon a public street or road or permanent easement of access provided further that at least thirty (30) feet of said lot abut such dedicated way or easement of access.

2.45 Only one (1) principal structure shall be located, erected or moved onto any lot of record or parcel of land unless they are agriculture exempt. Principal structures shall not overlap lot lines, except where adjoining lots are owned by the same owner(s).

- 2.46 No zoning permit shall be issued for a lot that abuts a public street or road dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

2.47 Reduction of Joint Use

No lot, yard, parking area, building area, or other space shall be altered in area or dimension so as not to meet the provisions of this Ordinance, except as provided for elsewhere in this Ordinance. No part of any lot, yard, parking area, building area, or other space required for a structure or use, shall be used for any other structure or use.

2.48 Building Setback

No building located in the unincorporated area of the County shall hereinafter be erected within fifty (50) feet of the right-of-way line of any federal, state, county or township public roadway.

## 2.5 MODIFICATION

2.51 Height

The district height limitation stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- 2.51-1 Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, and chimneys are exempt from the height limitations of this Ordinance.
- 2.51-2 Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, and all agricultural structures are exempt from the height limitations of this Ordinance.
- 2.51-3 Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.

- 2.51-4 Communication structures, such as radio and television transmission, relay and cellular towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- 2.51-5 Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of seventy (70) feet, provided all required yards are increased not less than one (1) foot for each two (2) feet the structure exceeds the district's maximum height requirements.

## 2.52 Yards

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- 2.52-1 Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- 2.52-2 Architectural projections, such as chimneys, flutes, sills, bay windows, gargoyles, spires, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
- 2.52-3 Residential fences are permitted on the property lines in Residential districts but shall not in any case be permitted in front yards nor exceed a height of six (6) feet. Ornamental fences are permitted in front yards, providing they do not exceed a height of three (3) feet and consist of fifty (50) percent or more of open construction that does not restrict motor vehicle driver or pedestrian visibility. No fence in a front, side or rear yard shall be constructed closer than two (2) feet to any public right-of-way line. No building permit is required for a residential fence.
- 2.52-4 Security fences are permitted on the property line in all Business and Manufacturing districts, and shall conform in height to the specifications required by the degree of security needed and shall be of an open type similar to woven wire or wrought iron fencing.
- 2.52-5 Accessory uses and detached accessory structures in residential districts are permitted in the rear and side yards only. They shall not be more than nine hundred (900) square feet in area or twenty (20) percent of the rear and side yard area, whichever is greater. They shall not exceed twenty (20) feet in height, as measured from the highest point to ground level and shall



not occupy more than thirty (30) percent of the rear and side yard areas. Refer to zones A, RR, RE, R-1, R-2 and R-3 for setback specifications within each district.

- 2.52-6 Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance. However, all towers (as noted in 2.51-4) must meet the height restrictions.
- 2.52-7 Any private road on a property used by the public, the zoning of said property being controlled by the County, the roads shall meet the current minimum safety standards of the County.
- 2.52-8 Landscaping and vegetation are exempt from the yard requirements of this Ordinance, except in the site triangle (See Section 4.7 - Traffic Visibility).
- 2.52-9 Reduction of Front Yards - In any Residential or Business district, except those rural properties served directly by a federal, county or township roadway, the required depth of front yards may be reduced to the average of the existing front yards of the adjacent buildings on either side, but in no case less than fifteen (15) feet in any Residential district and five (5) feet in any Business district except where adjoining businesses in developed Business districts are flush with the sidewalk.

#### 2.52-10 Residential Swimming Pools

- a. Swimming pools shall be fenced and secured to prevent unauthorized entry. Fencing or other artificial secure enclosures shall completely enclose the pool area. Indoor swimming pools are exempted from the protective fence regulations, but entry doors shall have security locks. If the swimming pool is to be up and in place throughout the year, a building permit is required. In all instances, the swimming pool must meet all setback requirements.
- b. The security fence shall be of sufficient height to prevent unauthorized entry of children or animals.

## 2.6 GENERAL DEVELOPMENT PROCEDURE

Comprehensive Plan including Planning Policies:

The Planning Commission and the County Board shall continuously develop their Comprehensive Plan including their planning policies to guide future decisions. All Comprehensive Plan elements, whatever degree of detail they may embody, shall provide the basis for approval of all development under this Zoning Ordinance and no development shall be approved under this Ordinance which is in conflict with any Comprehensive Plan element.

## 2.7 MODULAR HOMES & MOBILE HOMES FOUNDATION SPECIFICATIONS

1. The preferred method of installing a mobile or modular home on a permanent site is by mounting the structure on a poured concrete foundation that extends to a depth below the frost line and extends above the surface of sufficient height to support the weight of the structure with the wheels removed.
2. An acceptable installation is the pouring of a reinforced concrete pad with supporting pillars of masonry construction, at the corners and at a minimum of two (2) places on each longitudinal side of sufficient height to support the weight of the structure with the wheels removed. In such installations decorative skirting will be installed.
3. A third acceptable installation consists of the pouring of concrete footings extending below the frost line at each corner, and at a minimum of two (2) places along each longitudinal side. Support pillars shall be of masonry construction, extending a minimum of three (3) feet in each direction on the corners, and three (3) feet in length on the sides, and rising to height sufficient to support the weight of the home with the wheels removed. Decorative skirting will also be required with this installation.

In all cases, the weight of the home will be supported by masonry construction, and not consisting of loose blocks, loose brick, block or stilt construction, wheels will be removed, skirting installed, mobile homes will comply with State “tie down” specifications, and all installations will comply with well and septic system requirements.